



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/428,912 | 10/28/1999 | TAE WON KIM | K-007A | 5297 |

34610 7590 10/03/2003

FLESHNER & KIM, LLP
P.O. BOX 221200
CHANTILLY, VA 20153

| |
|----------|
| EXAMINER |
|----------|

SMITH, SHEILA B

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2681

DATE MAILED: 10/03/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/428,912

Applicant(s)

KIM ET AL.

Examiner

Sheila B. Smith

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10-25 and 27-34 is/are pending in the application.
- 4a) Of the above claim(s) 8, 9 and 26 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-13 and 17-19 is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 14-16, 20-25 and 27-34 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States

2. Claims 1-4,7,14, 20-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Choi et al. (U.S. Patent Number 5,781,553).

Regarding ***claims 1 and 14,20-24***, Choi et al. discloses essentially all the claimed invention as set fourth in the instant application, further Choi et al. discloses a digital wireless private branch exchange system. In addition Choi et al. discloses a data communication control system in a mobile communication system, comprising a base station controller (320) and switching system (320, the DNIC) which determines a communication path which selectively provides a voice communication service or a data communication service in response to a call request requested by a calling party, and outputs data and signals which control call connection between the calling party and a called party through the determined communication path (which reads on column 8 lines 15-30); and a data control system (234) which selectively modulates and

Art Unit: 2681

demodulates data from said base station controller and switching system by performing protocol communication with said base station controller and switching system (which reads on column 2 lines 33-38).

Regarding claim 2, Choi et al. discloses everything claimed as applied above (see claim 1), in addition Choi et al. discloses at least one of the calling party and the called party includes a data terminal which outputs predetermined data, and a communication device connected with the data terminal which transmits the data on a wireless or wire communication network (which reads on column 8 lines 15-30).

Regarding claim 3, Choi et al. discloses everything claimed as applied above (see claim 1), in addition Choi et al. discloses a data control system comprises a connection device to mobile data which provides a data path for signals and data transmission between a base station and said data control system (which reads on column 8 lines 15-30); a connection device to public network data which connects a public network of said data control system with a public network of said base station controller and switching system and sets a data traffic path between said data control system and said base station controller and switching system (which reads on column 2 lines 33-38); a data processing device which performs protocol communication with the base station and selectively modulates and demodulates input data to provide the modulated or demodulated data to the called party or the calling party (which reads on column 2 lines 33-38); and a main processing device which assigns a resource of said data control system and identifies the state of the resource in response to a data call request of the base station (which reads on column 8 lines 60-68).

Regarding claims 4, 7, Choi et al. discloses everything claimed as applied above (see claim 1), in addition Choi et al. discloses a switching device (320, the DNIC) which switches and controls the resources assigned to said data processing device and said connection device to public network data by a control signal of said main processing device (which reads on column 8 lines 15-30).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 15, 16, 25, 27-34 rejected under 35 U.S.C. 103(a) as being unpatentable over Petch et al. (U.S. Patent Number 5,781,593) .

Regarding claims 15, 16, Choi et al. discloses everything claimed as applied above (see claim 1), however, Choi et al. fails to specifically disclose the use of a selector vocoder controller, data communication radio link protocol unit, and a vocoder.

In the same field of endeavor, Petch et al. discloses methods and apparatus for vocoder synchronization in mobile communication network. In addition Petch et al. discloses the use of a selector vocoder controller, data communication radio link protocol unit, and a vocoder as disclosed in column 8 lines 25-40.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Petch et al. by modifying a digital wireless private branch

Art Unit: 2681

exchange system with the use of selector vocoder controller, data communication radio link protocol unit, and a vocoder as taught by Petch et al. for the purpose of decompressing the received data into its original form.

Regarding claims 25, 27-34, Choi et al. discloses everything claimed as applied above (see claim 1), in addition Choi et al. discloses protocol processor further comprises: a transmission controller coupled to said application interface controller (which reads on column 8 lines 15-30); an inter-terminating point link controller, which builds a protocol stack; a transmission interrupting unit, which transmits data from a public network subscriber to a mobile communication subscriber (which reads on column 8 lines 15-30); a reception interrupting unit, which transmits data from the mobile communication subscriber to the public network subscriber; a transmission frame forming or releasing part, which forms or releases a frame of transmission/receiving data; however, Choi et al. fails to specifically disclose a selector vocoder control module (SVCM), which manages signaling with a selector vocoder of said base station controller and switching system.

In the same field of endeavor, Petch et al. discloses methods and apparatus for vocoder synchronization in mobile communication network. In addition Petch et al. discloses the use of a selector vocoder control module (SVCM), which manages signaling with a selector vocoder of said base station controller and switching system as disclosed in column 8 lines 25-40.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Parl et al. by modifying a digital wireless private branch exchange system with the use of a selector vocoder control module (SVCM), which manages

Art Unit: 2681

signaling with a selector vocorder of said base station controller and switching system as taught by Petch et al. for the purpose of decompressing the received data into its original form.

Allowable Subject Matter

4. Claims 5-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 10-13,17-19 allowed.

Art Unit: 2681

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 703-305-4040. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-0104.

S. Smith
September 23, 2003



**SINH TRAN
PRIMARY EXAMINER**